HOUSE No. 4835

Section 129 contained in the engrossed Bill making appropriations for the fiscal year 2011 for the maintenance of the departments, boards, commissions, institutions and certain activities of the Commonwealth, for interest, sinking fund and serial bond requirements and for certain permanent improvements (see House, No. 4800), which had been returned by His Excellency the Governor with recommendation of amendment (for message, see Attachment H of House, No. 4840). July 1, 2010.

The Commonwealth of Massachusetts

In the Year Two Thousand and Ten

An Act directing the University of Massachusetts and Commonwealth community colleges to establish a tuition retention program and ensure adequate access for qualified Massachusetts students.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to ensure forthwith funding for school management, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

- 1 (a) Notwithstanding any general or special law to the contrary, the University of
- 2 Massachusetts system and the president of the university shall retain all tuition for out-of-state
- 3 students in the University of Massachusetts system and the board of trustees for the University of
- 4 Massachusetts shall promulgate regulations to allow the administration of each campus to retain
- 5 all tuition paid by students who are not residents of the commonwealth. The regulations shall

ensure that no resident of the commonwealth is denied admission to any campus as a result of the tuition retention program.

- (b) All out-of-state tuition and fees received by the board of trustees at Bridgewater State College shall be retained by the board of trustees of the institution in a revolving trust fund and shall be expended as the board may direct. The board shall ensure that no resident of the commonwealth is denied admission to the college as a result of the tuition retention program. The board of higher education shall promulgate regulations to ensure the campus maintains adequate access for qualified residents of the commonwealth, as measured by the ratio of out-of-state students to in-state students. Any balance in the trust fund at the close of a fiscal year shall be available for expenditure in subsequent fiscal years and shall not revert to the General Fund.
- (c) All out-of-state tuition and fees received by the board of trustees at Fitchburg State College shall be retained by the board of trustees of the institution in a revolving trust fund and shall be expended as the board may direct. The board shall ensure that no resident of the commonwealth is denied admission to the college as a result of the tuition retention program. The board of higher education shall promulgate regulations to ensure the campus maintains adequate access for qualified residents of the commonwealth, as measured by the ratio of out-of-state students to in-state students. Any balance in the trust fund at the close of a fiscal year shall be available for expenditure in subsequent fiscal years and shall not revert to the General Fund.
- (d) All out-of-state tuition and fees received by the board of trustees at Framingham State College shall be retained by the board of trustees of the institution in a revolving trust fund and shall be expended as the board may direct. The board shall ensure that no resident of the commonwealth is denied admission to the college as a result of the tuition retention program. The board of higher education shall promulgate regulations to ensure the campus maintains

adequate access for qualified residents of the commonwealth, as measured by the ratio of out-of-state students to in-state students. Any balance in the trust fund at the close of a fiscal year shall be available for expenditure in subsequent fiscal years and shall not revert to the General Fund.

- (e) All out-of-state tuition and fees received by the board of trustees at Salem State College shall be retained by the board of trustees of the institution in a revolving trust fund and shall be expended as the board may direct. The board shall ensure that no resident of the commonwealth is denied admission to the college as a result of the tuition retention program. The board of higher education shall promulgate regulations to ensure the campus maintains adequate access for qualified residents of the commonwealth, as measured by the ratio of out-of-state students to in-state students. Any balance in the trust fund at the close of a fiscal year shall be available for expenditure in subsequent fiscal years and shall not revert to the General Fund.
- (f) All out-of-state tuition and fees received by the board of trustees at Westfield State College shall be retained by the board of trustees of the institution in a revolving trust fund and shall be expended as the board may direct. The board shall ensure that no resident of the commonwealth is denied admission to the college as a result of the tuition retention program. The board of higher education shall promulgate regulations to ensure the campus maintains adequate access for qualified residents of the commonwealth, as measured by the ratio of out-of-state students to in-state students. Any balance in the trust fund at the close of a fiscal year shall be available for expenditure in subsequent fiscal years and shall not revert to the General Fund.
- (g) All out-of-state tuition and fees received by the board of trustees at Worcester State College shall be retained by the board of trustees of the institution in a revolving trust fund and shall be expended as the board may direct. The board shall ensure that no resident of the commonwealth is denied admission to the college as a result of the tuition retention program.

The board of higher education shall promulgate regulations to ensure the campus maintains adequate access for qualified residents of the commonwealth, as measured by the ratio of out-of-state students to in-state students. Any balance in the trust fund at the close of a fiscal year shall be available for expenditure in subsequent fiscal years and shall not revert to the General Fund.

- (h) All out-of-state tuition and fees received by the board of trustees at Berkshire Community College shall be retained by the board of trustees of the institution in a revolving trust fund and shall be expended as the board may direct. The board shall ensure that no resident of the commonwealth is denied admission to the college as a result of the tuition retention program. The board of higher education shall promulgate regulations to ensure the campus maintains adequate access for qualified residents the commonwealth, as measured by the ratio of out-of-state students to in-state students. Any balance in the trust fund at the close of a fiscal year shall be available for expenditure in subsequent fiscal years and shall not revert to the General Fund.
- (i) All out-of-state tuition and fees received by the board of trustees at Bristol Community College shall be retained by the board of trustees of the institution in a revolving trust fund and shall be expended as the board may direct. The board shall ensure that no resident of the commonwealth is denied admission to the college as a result of the tuition retention program. The board of higher education shall promulgate regulations to ensure the campus maintains adequate access for qualified residents of the commonwealth, as measured by the ratio of out-of-state students to in-state students. Any balance in the trust fund at the close of a fiscal year shall be available for expenditure in subsequent fiscal years and shall not revert to the General Fund.
- (j) All out-of-state tuition and fees received by the board of trustees at Bunker Hill Community College shall be retained by the board of trustees of the institution in a revolving

trust fund and shall be expended as the board may direct. The board shall ensure that no resident of the commonwealth is denied admission to the college as a result of the tuition retention program. The board of higher education shall promulgate regulations to ensure the campus maintains adequate access for qualified residents of the commonwealth, as measured by the ratio of out-of-state students to in-state students. Any balance in the trust fund at the close of a fiscal year shall be available for expenditure in subsequent fiscal years and shall not revert to the General Fund.

- (k) All out-of-state tuition and fees received by the board of trustees at Cape Cod Community College shall be retained by the board of trustees of the institution in a revolving trust fund and shall be expended as the board may direct. The board shall ensure that no resident of the commonwealth is denied admission to the college as a result of the tuition retention program. The board of higher education shall promulgate regulations to ensure the campus maintains adequate access for qualified residents of the commonwealth, as measured by the ratio of out-of-state students to in-state students. Any balance in the trust fund at the close of a fiscal year shall be available for expenditure in subsequent fiscal years and shall not revert to the General Fund.
- (l) All out-of-state tuition and fees received by the board of trustees at Greenfield Community College shall be retained by the board of trustees of the institution in a revolving trust fund and shall be expended as the board may direct. The board shall ensure that no resident of the commonwealth is denied admission to the college as a result of the tuition retention program. The board of higher education shall promulgate regulations to ensure the campus maintains adequate access for qualified residents of the commonwealth, as measured by the ratio of out-of-state students to in-state students. Any balance in the trust fund at the close of a fiscal

year shall be available for expenditure in subsequent fiscal years and shall not revert to the General Fund.

- (m) All out-of-state tuition and fees received by the board of trustees at Holyoke Community College shall be retained by the board of trustees of the institution in a revolving trust fund and shall be expended as the board may direct. The board shall ensure that no resident of the commonwealth is denied admission to the college as a result of the tuition retention program. The board of higher education shall promulgate regulations to ensure the campus maintains adequate access for qualified residents of the commonwealth, as measured by the ratio of out-of-state students to in-state students. Any balance in the trust fund at the close of a fiscal year shall be available for expenditure in subsequent fiscal years and shall not revert to the General Fund.
- (n) All out-of-state tuition and fees received by the board of trustees at Massachusetts Bay Community College shall be retained by the board of trustees of the institution in a revolving trust fund and shall be expended as the board may direct. The board shall ensure that no resident of the commonwealth is denied admission to the college as a result of the tuition retention program. The board of higher education shall promulgate regulations to ensure the campus maintains adequate access for qualified residents of the commonwealth, as measured by the ratio of out-of-state students to in-state students. Any balance in the trust fund at the close of a fiscal year shall be available for expenditure in subsequent fiscal years and shall not revert to the General Fund.
- (o) All out-of-state tuition and fees received by the board of trustees at Massasoit Community College shall be retained by the board of trustees of the institution in a revolving trust fund and shall be expended as the board may direct. The board shall ensure that no resident

of the commonwealth is denied admission to the college as a result of the tuition retention program. The board of higher education shall promulgate regulations to ensure the campus maintains adequate access for qualified residents of the commonwealth, as measured by the ratio of out-of-state students to in-state students. Any balance in the trust fund at the close of a fiscal year shall be available for expenditure in subsequent fiscal years and shall not revert to the General Fund.

- (p) All out-of-state tuition and fees received by the board of trustees at Middlesex Community College shall be retained by the board of trustees of the institution in a revolving trust fund and shall be expended as the board may direct. The board shall ensure that no resident of the commonwealth is denied admission to the college as a result of the tuition retention program. The board of higher education shall promulgate regulations to ensure the campus maintains adequate access for qualified residents of the commonwealth, as measured by the ratio of out-of-state students to in-state students. Any balance in the trust fund at the close of a fiscal year shall be available for expenditure in subsequent fiscal years and shall not revert to the General Fund.
- (q) All out-of-state tuition and fees received by the board of trustees at Mount Wachusett Community College shall be retained by the board of trustees of the institution in a revolving trust fund and shall be expended as the board may direct. The board shall ensure that no resident of the commonwealth is denied admission to the college as a result of the tuition retention program. The board of higher education shall promulgate regulations to ensure the campus maintains adequate access for qualified residents of the commonwealth, as measured by the ratio of out-of-state students to in-state students. Any balance in the trust fund at the close of a fiscal year shall be available for expenditure in subsequent fiscal years and shall not revert to the

General Fund.

- (r) All out-of-state tuition and fees received by the board of trustees at North Shore Community College shall be retained by the board of trustees of the institution in a revolving trust fund and shall be expended as the board may direct. The board shall ensure that no resident of the commonwealth is denied admission to the college as a result of the tuition retention program. The board of higher education shall promulgate regulations to ensure the campus maintains adequate access for qualified residents the commonwealth, as measured by the ratio of out-of-state students to in-state students. Any balance in the trust fund at the close of a fiscal year shall be available for expenditure in subsequent fiscal years and shall not revert to the General Fund.
- (s) All out-of-state tuition and fees received by the board of trustees at Northern Essex Community College shall be retained by the board of trustees of the institution in a revolving trust fund and shall be expended as the board may direct. The board shall ensure that no resident of the commonwealth is denied admission to the college as a result of the tuition retention program. The board of higher education shall promulgate regulations to ensure the campus maintains adequate access for qualified residents of the commonwealth, as measured by the ratio of out-of-state students to in-state students. Any balance in the trust fund at the close of a fiscal year shall be available for expenditure in subsequent fiscal years and shall not revert to the General Fund.
- (t) All out-of-state tuition and fees received by the board of trustees at Quinsigamond Community College shall be retained by the board of trustees of the institution in a revolving trust fund and shall be expended as the board may direct. The board shall ensure that no resident of the commonwealth is denied admission to the college as a result of the tuition retention

program. The board of higher education shall promulgate regulations to ensure the campus maintains adequate access for qualified residents of the commonwealth, as measured by the ratio of out-of-state students to in-state students. Any balance in the trust fund at the close of a fiscal year shall be available for expenditure in subsequent fiscal years and shall not revert to the General Fund.

- (u) All out-of-state tuition and fees received by the board of trustees at Roxbury Community College shall be retained by the board of trustees of the institution in a revolving trust fund and shall be expended as the board may direct. The board shall ensure that no resident of the commonwealth is denied admission to the college as a result of the tuition retention program. The board of higher education shall promulgate regulations to ensure the campus maintains adequate access for qualified residents of the commonwealth, as measured by the ratio of out-of-state students to in-state students. Any balance in the trust fund at the close of a fiscal year shall be available for expenditure in subsequent fiscal years and shall not revert to the General Fund.
- (v) All out-of-state tuition and fees received by the board of trustees at Springfield Technical Community College shall be retained by the board of trustees of the institution in a revolving trust fund and shall be expended as the board may direct. The board shall ensure that no resident of the commonwealth is denied admission to the college as a result of the tuition retention program. The board of higher education shall promulgate regulations to ensure the campus maintains adequate access for qualified residents of the commonwealth, as measured by the ratio of out-of-state students to in-state students. Any balance in the trust fund at the close of a fiscal year shall be available for expenditure in subsequent fiscal years and shall not revert to the General Fund.

(w) Notwithstanding any general or special law to the contrary, for employees of public higher education institutions who are paid from tuition retained pursuant to this section, fringe benefits shall be funded as if those employees' salaries were supported by state appropriations. This section shall apply only to fringe benefits associated with salaries paid from tuition retained by the respective boards of trustees for the University of Massachusetts system, Bridgewater State College, Fitchburg State College, Framingham State College, Salem State College, Westfield State College, Worcester State College, Berkshire Community College, Bristol Community College, Bunker Hill Community College, Cape Cod Community College, Greenfield Community College, Holyoke Community College, Massachusetts Bay Community College, Massasoit Community College, Middlesex Community College, Mount Wachusett Community College, North Shore Community College, Northern Essex Community College, Quinsigamond Community College, Roxbury Community College and Springfield Technical Community College, as a direct result of the implementation of this section.

(x) The respective boards of trustees for the University of Massachusetts system, Bridgewater State College, Fitchburg State College, Framingham State College, Salem State College, Westfield State College, Worcester State College, Berkshire Community College, Bristol Community College, Bunker Hill Community College, Cape Cod Community College, Greenfield Community College, Holyoke Community College, Massachusetts Bay Community College, Massachusetts Bay Community College, Massasoit Community College, Middlesex Community College, Mount Wachusett Community College, North Shore Community College, Northern Essex Community College, Quinsigamond Community College, Roxbury Community College and Springfield Technical Community College shall each issue an annual report on the progress of this initiative not later than February 1 of each year to the chairs of the joint committee on higher education, the chairs

of the house and senate committees on ways and means and the executive office for administration and finance. The report shall include the number of out-of-state students attending the school, the amount of tuition revenue retained under the program and any programs or initiatives funded with the retained revenue.